

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAKHA ABULADZE, et al.,

Plaintiffs,

-v-

APPLE COMMUTER INC., et al.,

Defendants.

22-CV-08684 (MMG) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

On August 2, 2024, I granted Meltzer, Lippe, Goldstein & Breitstone LLP's motion to withdraw as counsel for two distinct defendants, Moosazadeh, Hamayoon, Diedrich, Michael a/k/a Hotel at Times Square ("Hotel at Times Square") and New York Marketing, Inc. a/k/a NYMA ("NYMA"). (See ECF 240.) Defendant NYMA was directed to have replacement counsel file a notice of appearance on its behalf in this action no later than September 5, 2024. By that same date, Defendant Hotel at Times Square was directed to have replacement counsel file a notice of appearance on its behalf or, as to the individuals, Mr. Moosazadeh and Mr. Diedrich, to file a letter on the docket, stating whether they intend to proceed without a lawyer. My order made clear that only natural persons may litigate pro se, and that the consequence of a failure by any defendants that are not natural persons to have a lawyer represent them in this action would be an order directing Plaintiffs to seek a default judgment against those defendants. Similarly, my order made clear that a failure by any defendants who are natural persons whose counsel who has withdrawn from the case to inform the Court that they would be proceeding pro se would lead to an order directing Plaintiffs to seek a default judgment against those defendants.

To date, replacement counsel has not filed a notice of appearance on behalf of Defendant Hotel at Times Square or Defendant NYMA. Nor has Mr. Moosazadeh and/or Mr. Diedrich sent the Court a letter indicating an intention to proceed pro se.

I am sua sponte extending the time nunc pro tunc until **September 20, 2024** for counsel to file a notice of appearance on behalf of Defendant NYMA and for either counsel to file a notice of appearance on behalf of Defendant Hotel at Time Square or for Mr. Moosazadeh and/or Mr. Diedrich to send the Court a letter indicating an intention to proceed pro se. If no such submissions are filed on the docket by that date, I expect to issue an order pursuant to Federal Rule of Civil Procedure 55 instructing Plaintiffs to seek a default judgment against Defendant NYMA and Defendants Hotel at Times Square, Moosazadeh, and Diedrich for failure to defend this action.

DATED: September 9, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge